

REMARKS

In the Office Action dated July 27, 2005, claims 1-12, 14, 15, and 24-29 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,894,994 (Grob); claim 13 was rejected under § 103 over Grob in view of U.S. Patent No. 6,519,457 (Jiang); and claims 16-23 were rejected under § 103 over Jiang in view of Grob.

DISQUALIFICATION OF JIANG AS PRIOR ART UNDER 35 U.S.C. § 103(c)

It is respectfully submitted that Jiang is disqualified as prior art under § 103(c). Jiang and the present application were, at the time the present invention was made, owned by or subject to obligation of assignment to the same entity (Nortel Networks Limited). Therefore, under § 103(c), Jiang is disqualified as prior art.

Withdrawal of the § 103 rejection of claims 13 and 16-23 over Grob and Jiang is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102 OVER GROB

Amended claim 1 recites a method of performing wireless communications that comprises determining if handoff is required from a first base station (associated with a first type of wireless system) to a second base station (associated with a second, different type of wireless system); and in response to determining that handoff is required, sending a message from the first base station to the second base station, the message indicating to the second base station that handoff is required.

Although Grob states that handoffs between CDMA and HDR systems are possible, the handoff performed in Grob is quite different from the handoff performed according to claim 1. As discussed in Grob, when an access terminal 110 is near an edge of the coverage area of an HDR access point 120, the access point 120 can signal the access terminal 110. Grob, 24:27-29. This causes the access terminal 110 to search for both an HDR system access point 120 and CDMA base station. Grob, 24:29-32. If a CDMA pilot is detected by the access terminal 110, then the air link can be handed from the HDR system to the CDMA system, “for example, in a manner similar to the handoff between IS-95 and AMP systems.” Grob, 24:32-35.

Thus, what is contemplated by Grob is that a base station of a first type has to notify the access terminal (not the base station of the other type) that handoff may be required, which causes the access terminal to search for available HDR and CDMA base stations. Clearly, Grob does not disclose base stations of different types sending a message between each other to indicate that handoff is required.

Therefore, it is respectfully submitted that claim 1 is not anticipated by Grob.

Independent claim 24 is also not disclosed by Grob. Note that claim 24 recites a first base station system that determines if handoff is required to a second base station system that performs wireless communications according to a second, different protocol, and that exchanges messaging with the second base station system *through a link* between the first and second base station systems to perform the handoff. In contrast, in Grob, the HDR access point 120 has to first send signaling to the access terminal to cause the access terminal to search for available base stations to cause the handoff to be performed. Therefore, claim 24 is also not anticipated by Grob.


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Dependent claims are allowable for at least the same reasons as corresponding independent claims.

In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0103US).

Respectfully submitted,

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